

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 24553 of 2004

Between:

- 1 V.V.S.N.Raju, S/o. Ramakrishnam Raju
Under A.P.Land Grabbing (Prohibition)Act, Hyderabad
- 2 A.Srinivas, S/o. Ramulu
Under A.P.Land Grabbing (Prohibition)Act, Hyderabad-63.

..... PETITIONERS

AND

- 1 State of A.P.Rep., by its Principal Secretary, Health, Medical & Family Welfare
(K1)Dept., Secretariat Building, Hyderabad.
- 2 The Pay and Accounts Officer, APGLI Bhavan, Tilak Road,
Abids, Hyderabad.
- 3 The Registrar, Special Court Under A.P. Land
Grabbing (Prohibition) Act, II Floor, BRKR Govt., Offices Complex, Tankbund
Road, Hyderabad.
- 4 The Chairman and M.D., A.P.Super Speciality Dental Hospitals,
Road No.2, Banjarahills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate Writ or order or Direction more particularly one in the nature of Writ of Mandamus (I) Declaring that the action of the 2nd respondent in returned the claims made by the petitioners basing on the G.O.Ms.No.276, dt.11-05-1996 ignoring the fact of scrutiny of the bills made by the Director of Medical Education as prescribed by the later G.O.Ms.No.38, dt.24-01-2001 is illegal, arbitrary apart from without having any jurisdiction in the absences of any specific directions or clarification from the 1st respondent. (II) Or any other relief or relieves granted by the Hon'ble High Court as deems fit and proper in the facts and the circumstances of the case.

Counsel for the Petitioner : MR T.N.M.RANGA RAO

Counsel for the Respondents : GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.24553 OF 2004

ORDER :

The petitioners are working as Section Officers in the Special Court under the A.P. Land Grabbing (Prohibition) Act at Hyderabad.

The petitioners state that they underwent treatment in the fourth respondent – A.P. Superspeciality Dental Hospital for dental problems and towards the medical expenses incurred, the fourth respondent issued a bill for Rs.16,391/- to the 1st petitioner and a bill for Rs.15,852/- to the 2nd petitioner. As per G.O.Ms.No.38, dated 24-01-2001 the petitioners have presented the said bills together with their claims before the third respondent – Registrar of the Special Court and in turn the third respondent sent the same to the Director of Medical Education, Hyderabad for scrutiny. The Director of Medical Education after the scrutiny issued the proceedings stating that after making the 20% cut as specified under G.O.Ms.No.38, dated 24-01-2001 a sum of Rs.9,273/- is admissible for the 1st petitioner and a sum of Rs.8,652-80 ps is admissible for the 2nd petitioner. Thereafter, the third respondent submitted the bills to the 2nd respondent – Pay & Accounts Officer. However, the 2nd respondent returned the bills on the ground that the treatment for dental surgery is inadmissible under G.O.Ms.No.276, dated 11-05-1993. Aggrieved by the said action,

this writ petition is filed contending inter alia that G.O.Ms.No.276, dated 11-05-1993 which was issued for only a limited purpose of discontinuing certain benefits cannot override G.O.Ms.No.38, dated 24-01-2001 under which the fourth respondent hospital was recognised as referral hospital. It is also contended that since the bills were already scrutinised by the Director of Medical Education who is the competent authority under G.O.Ms.No.38, dated 24-01-2001, the 2nd respondent is not justified in holding that the claim is inadmissible.

The Director of Medical Education filed a counter-affidavit on behalf of the 1st respondent stating that the Government has recognised several Corporate Dental Hospitals to act as Referral Hospitals to share the work-load of the Government Hospitals and that under G.O.Ms.No.38, dated 24-01-2001, the 4th respondent has been recognised as a referral hospital. It is also stated that the Government has constituted a Committee for Revision of The A.P. Integrated Medical Attendance Rules, 1972 and soon after receiving the report of the Committee the orders will be issued specifying the Dental Diseases which are eligible and which are not eligible for reimbursement and that at present the rates for dental procedure submitted by the Principal, Government Dental College and Hospital are being followed while scrutinising the medical bills.

On behalf of the 4th respondent hospital, a separate counter-affidavit has been filed stating that the claims of the petitioners on the basis of G.O.Ms.No.38, dated 24-01-2001 are justified.

Having heard the learned Counsel for both the parties and on a perusal of the material on record, I am of the view that the 2nd respondent is not justified in holding that the claim of the petitioners is inadmissible. G.O.Ms.No.276, dated 11-05-1993 which was referred to by the 2nd respondent has no application at all to the case on hand. A perusal of G.O.Ms.No.276, dated 11-05-1993 makes it very clear that by virtue of the said order the earlier orders issued in G.O.Ms.No.175, dated 7-3-1990 amending the A.P. Integrated Medical Attendance Rules was cancelled for certain

reasons specified thereunder. As rightly contended by the learned Counsel for the petitioner, the said G.O.Ms.No.276, dated 11-05-1993 whereunder certain benefits provided in G.O.Ms.No.175, dated 7-3-1990 like Corrective Eye Glasses, Hearing Aids and Complete Denture Rehabilitation were withdrawn has nothing to do with the recognition of the 4th respondent as a referral hospital under G.O.Ms.No.38, dated 24-01-2001. As can be seen, the 1st respondent issued G.O.Ms.No.38, Health, Medical & Family Welfare (K-I) Department, dated 24-01-2001 recognising the A.P. Superspeciality Dental Hospitals, Hyderabad as referral hospitals in order to share the work-load of Government Dental Hospital for the treatment of the Government Employees both serving and retired as well as their dependants with referral letter from the Government Dental Hospital / Teaching Hospital for the purpose of reimbursement of medical expenses incurred in the said hospitals without any Emergency Certificate. As per G.O.Ms.No.38, dated 24-01-2001 in all such cases of the treatment without referral letter a 20% cut has to be imposed on the eligible amount after getting the bills scrutinised by the Director, Medical Education, Hyderabad as per G.O.Ms.No.175, dated 29-05-1997. Since on the basis of the material on record, it is clear that the bills in question have been processed in terms of G.O.Ms.No.38 and were scrutinised by the competent authority specified under G.O.Ms.No.38, dated 24-01-2001, the 2nd respondent ought not to have returned the said bills.

The Writ Petition is accordingly allowed and the 2nd respondent is directed to reconsider the bills of the petitioners as scrutinised by the Director of Medical Education without reference to G.O.Ms.No.276, dated 11-05-1993 and to process the same as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order. No costs.

04th March, 2005.

Note:- CC in one week.

(B/O)

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To

- 1 The Principal Secretary, State of A.P., Health, Medical & Family Welfare (K1)Dept., Secretariat Building, Hyderabad.
- 2 The Pay and Accounts Officer, APGLI Bhavan, Tilak Road, Abids, Hyderabad.

- 3 The Registrar, Special Court Under A.P. Land Grabbing (Prohibition) Act, II Floor, BRKR Govt., Offices Complex, Tankbund Road, Hyderabad.
- 4 The Chairman and M.D., A.P.Super Speciality Dental Hospitals, Road No.2, Banjarahills, Hyderabad.
5. Two CCs to G.P. for Medical, Health & Family Welfare Department, High Court of AP, Hyderabad (OUT).
6. 2 CD copies